

REMARKS

Claims 1-17 were pending in the subject application. Claims 15-17 have been withdrawn for pertaining to non-elected subject matter. Thus, claims 1-14 are before the Examiner for consideration.

Claims 1-6, 9 and 12 are rejected under 35 USC § 102(a) as being anticipated by Hecht et al. Applicants respectfully traverse. The Hecht et al. reference was published in September of 2002. Applicants submit herewith a publication, published January 2002 relating to the administration of conjugates of benzyl and phenethyl isothiocyanates during postinitiation phase of tumorigenesis. As can be seen, the inventors are also authors on this publication. This publication shows that conception of the invention contained within claim 1 occurred well before the Hecht et al. publication. Accordingly, given this clear evidence of earlier invention, Applicants do not believe it is necessary to swear behind the reference using a 1.131 affidavit. However, Applicants are prepared to submit such an affidavit should the Examiner deem it necessary. The rejection should be rendered moot in view of the disqualification of the Hecht et al. reference as prior art. Reconsideration of this 35 USC § 102(a) rejection is respectfully requested.

Claims 7, 8, 10, 11, 13 and 14 are rejected under 35 USC § 103(a) as being obvious over Hecht et al. Applicants respectfully traverse and incorporate the remarks made above with in rebuttal of the 102(a) rejection. The Hecht et al. reference should not be considered relevant prior art based on Applicants conception prior to the Hecht et al. publication date. In view of this, Applicants respectfully request reconsideration of this 35 USC § 103(a) rejection.

Claim 12 was objected to on the basis that it did not further limit claim 1. Claim 12 has been amended to recite that the tumor growth is malignant. Reconsideration of this objection is respectfully requested.

All grounds for rejection or objection having been addressed and overcome herein, it is respectfully requested that this application is in condition for allowance. Applicants request that the Examiner call the undersigned if clarification is needed on any aspect of this Reply.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy H. Van Dyke', is written over a solid horizontal line.

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